

# United States District Court

for the  
Western District of New York

## In the Matter of the Search of

*(Briefly describe the property to be searched or identify the person by name and address.)*

1141 Bullis Road, east portion residence, Elma, New York 14059

Case No. 18-MJ-1208

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

1141 Bullis Road, east portion residence, Elma, New York 14059

located in the Western District of New York, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, Items to be Searched and Seized

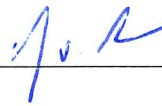
The basis for search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of Title 18, United States Code, Sections 1546(a) and 1546(b)(2).

The application is based on these facts:

- ☒ continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



*Applicant's signature*

RYAN W. GREEN  
SPECIAL AGENT  
HOMELAND SECURITY INVESTIGATIONS

*Printed name and title*

Sworn to before me and signed in my presence.

Date: October 30, 2018



*Judge's signature*

City and state: Buffalo, New York

JEREMIAH J. McCARTHY  
UNITED STATES MAGISTRATE JUDGE

*Printed name and Title*

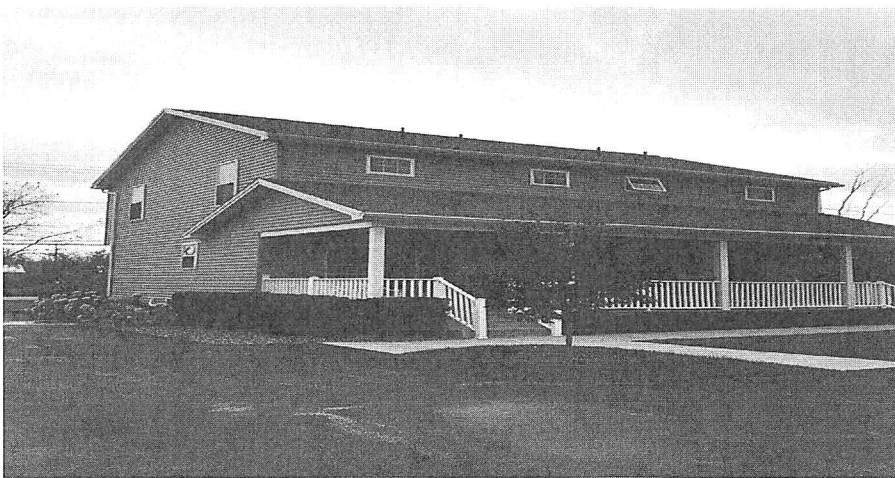
**ATTACHMENT A — PREMISES TO BE SEARCHED**

a. **SUBJECT PREMISES:** the premises to be searched is the east side of the duplex located at 1141 Bullis Rd., Elma, NY 14059.

b. The residence on the east side of the duplex is located on the right hand side of the front of the duplex depicted immediately below. The front of residence has a white front door facing south, with a red brick lower façade and tan siding on the 2<sup>nd</sup> floor and east side:



c. The back of the duplex, facing north, has tan siding and a porch with white railings:



**ATTACHMENT B — DESCRIPTION OF ITEMS TO BE SEARCHED FOR  
AND SEIZED**

Items to be searched for and seized are the evidence, fruits, instrumentalities, or contraband relating to violations of Title 18, United States Code, Section 1546(a) and Title 18, United States Code, Section 1546(b)(2) including, but not limited to, the following:

- a. Identity documents of the United States or any foreign government including, but not limited to, alien registration cards, social security cards, passports, visas, entry documents of any kind, drivers licenses, and documents used in support of any application for benefits in the United States; and
- b. By this search warrant, your affiant also requests permission to take photographs of any evidentiary items or search venues at the time of the search.

All relating to Violations of Title 18, United States Code, Section 1546(a) and Title 18, United States Code, Section 1546(b)(2).

**AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT**

STATE OF NEW YORK    )  
COUNTY OF ERIE        )       SS:  
CITY OF BUFFALO        )

I, **RYAN W. GREEN**, a Special Agent with Homeland Security Investigations (HSI),  
being duly sworn, deposes and states as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent (SA) with the Department of Homeland Security, Homeland Security Investigations (hereinafter, "HSI"), in Buffalo, New York and have been so employed since June of 2004. During my employment with HSI, I have participated in multiple investigations and/or criminal prosecutions concerning worksite enforcement, businesses that employ unauthorized aliens, and possession and use of fraudulent documents. As such, I am a federal law enforcement officer within the meaning of Federal Rule of Criminal Procedure 41; that is, empowered by law to apply for search warrants.

2. This affidavit is submitted in support of an application for a warrant to search the residence located on the east-side portion of a duplex located at 1141 Bullis Rd., Elma, NY 14059 (hereinafter referred to as the "SUBJECT PREMISES"), more fully described in Attachment "A", for evidence of violations of Title 18, United States Code, Section 1546(a) (possession of fraudulent documents) and Title 18, United States Code, Section 1546(b)(2) (use of fraudulent documents for employment). The items to be seized in the SUBJECT PREMISES are more fully described in Attachment "B".

3. This investigation encompasses the participation of several law enforcement agencies, including HSI and Border Patrol operating in Western New York. The investigation to date has utilized a wide variety of law enforcement techniques both overt and covert, including physical surveillance, reviewing employment documents, and interviewing witnesses. I am familiar with the information contained in this affidavit based upon my participation in the investigation, my review of activities related to the investigation, my review of documents obtained as part of this investigation, and information provided to me by other law enforcement officers who have personal knowledge of the events and circumstances described herein. Because this affidavit is submitted for the limited purpose of securing a search warrant, it does not contain all the information that I have learned during the course of this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18, United States Code, Sections 1546(a) and 1546(b)(2) are presently located at the SUBJECT PREMISES.

4. Based on the facts set forth in this affidavit, I respectfully submit that there is probable cause to believe that there is presently concealed, in the SUBJECT PREMISES, the items described in Attachment B hereto, all of which constitutes evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Sections 1546(a) and 1546(b)(2).

#### **APPLICABLE LAW**

5. This investigation involves the following offenses:

(a) Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant

or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained, is in violation of Title 18, United States Code, Section 1546(a); and

(b) Whoever uses—an identification document knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor...for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), is in violation of Title 18, United States Code, Section 1546(b)(2).

#### **BACKGROUND OF INVESTIGATION AND PROBABLE CAUSE**

6. As detailed below, this investigation has determined that there are fraudulent alien registration documents (fraudulent permanent resident cards) and fraudulent social security cards located in the SUBJECT PREMISES.

7. On October 17, 2018, HSI and U.S. Border Patrol were investigating a business named Seasonal Nursery, a garden center and landscaping business, located at 1120 Bullis Rd. Elma, NY 14059, for employing individuals who are illegally present in the United States. As part of that investigation, HSI and U.S. Border Patrol consensually encountered Domingo

CRECENCIO-ESTEBAN at the entry way to the parking lot of Seasonal Nursery. After admitting to officers that he was illegally present in the United States, CRECENCIO-ESTEBAN consensually allowed SA Green (your affiant) and SA Gibas to accompany him into his residence, the SUBJECT PREMISES, in order that he may obtain documents to confirm his identity. SA Green and SA Gibas saw numerous paystubs while they were inside of the SUBJECT PREMISES. Additionally, while in the SUBJECT PREMISES, SA Green and SA Gibas encountered four other individuals, all of whom admitted that they were illegally present in the United States. Those four other individuals were Mauricio MORENO-MENDOZA, Manuel RAMIREZ-SEBASTIAN, Ezequiel FLORES-SANTIAGO, and Heriberto CANDELARIO-ANTONIO, all of whom also lived in the SUBJECT PREMISES. Brian Young, President of Seasonal Nursery, confirmed that Seasonal Nursery owns the SUBJECT PREMISES and uses it as a place for their workers to live when they are here for seasonal employment. Young further confirmed that these five illegal aliens resided at the SUBJECT PREMISES and that they were employed by Seasonal Nursery.

8. During the encounter and investigation it was determined that Domingo CRECENCIO-ESTEBAN, Mauricio MORENO-MENDOZA, Manuel RAMIREZ-SEBASTIAN, Ezequiel FLORES-SANTIAGO, and Heriberto CANDELARIO-ANTONIO were working at Seasonal Nursery unlawfully and without proper authorization. At the time of the encounter, all individuals, except for MORENO-MENDOZA, provided Mexican government identification cards which depicted their given names. All of the aforementioned individuals, after admitting to being illegally present in the United States, were taken into custody, and transported to the Batavia Federal Detention Facility. Record checks conducted

for all of the aforementioned illegal aliens further revealed that they were illegally present in the United States.

9. On October 22, 2018, HSI issued a Notice of Inspection (NOI), requesting all Form I-9's for the employees of Seasonal Nursery. A Form I-9 is an employment document that is required to be filled out by all employees and kept on file by employers in the United States. At that time, Tom Lewis, Operations Manager of Seasonal Nursery, provided HSI with the Form I-9 documents for Domingo CRECENCIO-ESTEBAN, Mauricio MORENO-MENDOZA, Manuel RAMIREZ-SEBASTIAN, Ezequiel FLORES-SANTIAGO and Heriberto CANDELARIO-ANTONIO. It was determined that all of the individuals were employed under fictitious names.

10. Each Form I-9 had a photocopy of a fraudulent Permanent Resident card/Alien Registration card (I-551) and fraudulent social security card which was provided by each employee for purposes of their employment. Records checks of the alien numbers which were depicted on the photocopies of the Alien Registration cards and the social security numbers which were depicted on the social security cards revealed that the documents were fraudulent. Additionally, the documents depicted fictitious names. Although photocopies of these documents were attached to each Form I-9, the original documents were never discovered or encountered as part of the investigation.

11. On October 25, 2018, HSI Buffalo Agents interviewed MORENO-MENDOZA. When MORENO-MENDOZA was shown photocopies of the fraudulent



documents attached to his Form I-9—which consisted of a fraudulent Alien Registration card and a fraudulent Social Security card—he admitted that these documents were fraudulent and that he utilized these counterfeit documents on or about April 22, 2018 (Form I-9 execution date) to obtain employment at Seasonal Nursery. MORENO-MENDOZA stated that he paid between \$125 and \$150 for his fraudulent documents while he was in Florida. The name depicted on the fraudulent Alien Registration card and fraudulent Social Security card that he utilized was “Mauricio Mendoza-Moreno”, which is a variation of his actual name. When asked where the documents are presently located, MORENO-MENDOZA stated that the documents are presently located in the SUBJECT PREMISES.

12. On October 25, 2018, HSI Buffalo Agents interviewed CRECENCIO-ESTEBAN. The name “Zairo Placido-Perez” was depicted on the fraudulent Alien Registration card and fraudulent Social Security card that CRECENCIO-ESTEBAN used to gain employment at Seasonal Nursery. CRECENCIO-ESTEBAN stated that he paid \$140 or \$150 in Houston, Texas for the documents. CRECENCIO-ESTEBAN stated that he misplaced the documents.

13. RAMIREZ-SEBASTIAN, FLORES-SANTIAGO and CANDELARIO-ANTONIO did not provide any statements concerning the location of the fraudulent documents that they used.

14. On October 25, 2018, HSI Buffalo agents spoke with Brian Young and Tom Lewis, both of whom are involved in the management and daily operation of Seasonal

Nursery. Both individuals stated that nobody has entered the SUBJECT PREMISES since the aforementioned illegal aliens were arrested. They also stated that they would not enter the SUBJECT PREMISES again until this matter is resolved. As previously stated, Seasonal Nursery owns the SUBJECT PREMISES and maintains the duplex for its workers.

15. Based on the foregoing, there is probable cause to believe CRECENCIO-ESTEBAN, MORENO-MENDOZA, RAMIREZ-SEBASTIAN, FLORES-SANTIAGO and CANDELARIO-ANTONIO violated Title 18, United States Code, Sections 1546(a) and 1546(b)(2).

**PREMISES TO BE SEARCHED AND ITEMS TO BE SEIZED**

16. This affidavit is made in support of an application for a search warrant for the premises referred to as the SUBJECT PREMISES, the residence located on the east-side portion of the duplex located at 1141 Bullis Rd., Elma, NY 14059, a detailed description of which is attached hereto in Attachment A with a picture attached.


17. Based on my training and experience, it is more probable than not that evidence, property, fruits, and instrumentalities of these offenses, and other items related to these violations of federal law, may be found in the SUBJECT PREMISES.

**CONCLUSION**


18. Accordingly, it is respectfully submitted that probable cause exists to believe

that violations of Title 18, United States Code, Section 1546(a), and Title 18, United States Code, Section 1546(b)(2), have occurred and that property, evidence, fruits, and instrumentalities of these offenses, more fully described in Attachment B of this affidavit, are located in the SUBJECT PREMISES, as described in Attachment A. As such, it is respectfully requested that the attached warrant be issued authorizing the search of the SUBJECT PREMISES.

**WHEREFORE**, I respectfully request that the Court issue a warrant authorizing Agents of Homeland Security Investigations to search the SUBJECT PREMISES, as further described in Attachment A, for the evidence and instrumentalities of the offenses, as described in Attachment B.

  
\_\_\_\_\_  
RYAN W. GREEN  
Special Agent  
Homeland Security Investigations

Sworn and subscribed to before  
me this 30th day of October 2018.

  
\_\_\_\_\_  
JEREMIAH J. MCCARTHY  
United States Magistrate Judge